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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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14

15 UNITED STATES OF AMERICA,) No. 4:13-mj-71470-MAG
16 Plaintiff,)
17 vs.) **STIPULATION AND [PROPOSED] ORDER
18 RUBEN CHAVEZ,) CONTINUING AUGUST 5, 2014 HEARING
19 Defendant.)
20 _____)
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23**

24 Defendant Ruben Chavez is charged in a three-count criminal complaint. No indictment
25 has yet been returned, and the parties are working on pre-indictment resolution.

26 The case is currently set for hearing on August 5, 2014, at 9:30 a.m., before United States
27 Magistrate Judge Kandis A. Westmore, for either a preliminary hearing, return of indictment, or
28 status conference.

29 The parties hereby stipulate and respectfully request that the hearing be continued to
30 October 7, 2014, at 9:30 a.m., on the following grounds: (1) the government recently extended a
31 plea offer, and defense counsel needs time to discuss and consider the offer with Mr. Chavez in
32 order to provide effective assistance of counsel; and (2) a continuance will allow for continuity of
33 counsel as Assistant United States Attorney Arianna Berg will be out of town in August (including
34 on August 5) and defense counsel Harris Taback will be out of the country in September.

1 The parties further agree, and the Court finds and holds, as follows:

2 1. The defendant is currently in custody.

3 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §

4 3161(h)(8)(B)(iv), from August 5, 2014 to October 7, 2014, to provide reasonable time necessary

5 for effective preparation, taking into account the exercise of due diligence.

6 3. The defendant waives the time limits of Fed. R. Crim. Proc. 5.1 for preliminary hearing.

7 4. Counsel for the defense believes that postponing the preliminary hearing is in his client's

8 best interest, and that it is not in his client's interest for the United States to indict the case during

9 the normal 14-day timeline established in Rule 5.1.

10 5. The Court finds that, taking into the account the public interest in the prompt disposition of

11 criminal cases, the grounds set forth in this stipulation are good cause for extending the time limits

12 for a preliminary hearing under Fed. R. Crim. Proc. 5.1. Given these circumstances, the Court

13 finds that the ends of justice served by the continuance outweigh the best interest of the public and

14 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

15 6. Accordingly, and with the consent of the defendant, the Court (a) continues the preliminary

16 hearing / return of indictment / status date before the duty Magistrate Judge to October 7, 2014 at

17 9:30 a.m., and (2) orders that the period from August 5, 2014 to October 7, 2014 be excluded from

18 the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from

19 Speedy Trial calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 IT IS SO STIPULATED:

21 DATED: July 29, 2014

/s/
HARRIS TABACK
Attorney for Defendant

24 DATED: July 29, 2014

/s/
ARIANNA BERG
KIMBERLY HOPKINS
Assistant United States Attorneys

26 IT IS SO ORDERED.

27 DATED: 7/31/14



HON. KANDIS A. WESTMORE
United States Magistrate Judge